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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re J.W., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.W.,

Defendant and Appellant.

A144729

(Solano County
Super. Ct. No. J42293)

18-year-old J.W. (appellant) appeals from the juvenile court's jurisdictional and dispositional orders finding true the allegations that he violated Penal Code sections 29610 (felony possession of a firearm by a minor) and 29650 (misdemeanor possession of live ammunition by a minor),¹ removing him from his mother's care and custody, and committing him to a suitable foster home such as Rite of Passage or Courage to Change. Appellant's counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Appellant was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing, and shall affirm the judgment.

¹All further statutory references are to the Penal Code unless otherwise stated.

FACTUAL AND PROCEDURAL BACKGROUND

On December 13, 2013, a juvenile wardship petition was filed alleging that then-16-year-old appellant violated section 243.6 (count 1, battery on a school employee), a misdemeanor. The juvenile court sentenced appellant to two days in juvenile hall, placed him on informal probation for six months, released him into his mother's care and custody, and awarded him two days of actual credit.

On April 16, 2014, the prosecution amended the wardship petition to include a second count alleging appellant violated section 422 (count 2, criminal threats), a felony. The juvenile court revoked informal probation, reinstated the wardship petition, and dismissed count 2. Appellant admitted a misdemeanor violation of section 243.6 (count 1) pursuant to a plea agreement, and the court adjudged him a ward of the court, sentenced him to 32 days in juvenile hall, placed him on formal probation for an undesignated period of time, released him into his mother's care and custody, and awarded him 32 days of actual credit.

On February 9, 2015, the prosecution filed a second wardship petition alleging appellant violated sections 29610 (count 1, felony possession of a firearm by a minor), and 29650 (count 2, misdemeanor possession of live ammunition by a minor). The petition was based on an incident that occurred on February 6, 2015. That morning, at about 9:25 a.m., Vallejo Police Officer Mark Galios was dispatched to a house in Vallejo in response to a "suspicious circumstance call" in which a female caller said that a Black or biracial male juvenile had knocked on her door and attempted to open the door when she did not answer. She saw the juvenile then walk around the house to the back of the alleyway before walking away. The caller said the juvenile was wearing a black sweatshirt or jacket and a red backpack. The initial report Galios received was that a single individual was knocking at the door, but that the individual "might have been associated [with] or was seen earlier with another Black male juvenile."

Shortly thereafter, and about a block or a block and a half away from the caller's house, Galios located two juveniles—later identified as appellant and G.E., who matched the caller's description—standing in the middle of the roadway. Galios stopped his car in

front of them, got out, and asked them what they were doing. G.E. said they were out looking for a dog and there was no school that day.

Meanwhile, Galios's colleague, Officer Estrada, had arrived to assist. Galios asked the minors to remove their backpacks and place them on the hood of his car. Galios then asked if he could search their persons and backpacks; the two "just kind of nodded up and down, which to me indicated they were providing me permission to search their bags." Galios found a loaded black 0.22 caliber revolver in the front zipper compartment of the backpack appellant was wearing; the revolver contained four live bullets and one expended casing. After discovering the firearm, Galios placed appellant in handcuffs and placed both juveniles in Estrada's car. Appellant later admitted, after being advised of his *Miranda* rights (*Arizona v. Miranda* (1966) 384 U.S. 436 [86 S.Ct. 1602, 16 L.Ed.2d 694]), that he had purchased the gun in Oakland and carried it for personal protection.

On February 10, 2015, the juvenile court revoked probation and remanded appellant to juvenile hall. Appellant filed a motion to suppress, which the court denied. On March 2, 2015, following a contested jurisdictional hearing, the court found true both allegations beyond a reasonable doubt and sustained both counts. Following a contested dispositional hearing, the court continued appellant as a ward of the court, sentenced him to 48 days in juvenile hall, reinstated formal probation under the same terms and conditions, and awarded him 48 days of actual credit. The court removed appellant from his mother's care and custody and committed him to the care and custody of a suitable foster home, such as Rite of Passage or Courage to Change.

DISCUSSION

Appellant's counsel has filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and asks this court to independently review the entire record to determine if it contains any issues which would, if resolved favorably to the appellant, result in reversal or modification. A review of the record has disclosed no reasonably arguable appellate issue, and we are satisfied that counsel has fully complied with her responsibilities. (*Ibid.*; *People v. Kelly* (2006) 40 Cal.4th 106.) The juvenile court did

not err in denying the motion to suppress. There was substantial evidence supporting the court's true findings. The court did not abuse its discretion in removing appellant from his mother's care and custody, and in placing him in a suitable foster home such as Rite of Passage or Courage to Change. Appellant was adequately represented by counsel at every stage of the proceedings. There was no sentencing error. There are no issues that require further briefing.

DISPOSITION

The judgment is affirmed.

McGuiness, P.J.

We concur:

Pollak, J.

Siggins, J.

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